

Are there other Restrictions?

Yes. In addition to any other terms set in the protective order, Virginia law prohibits you from purchasing or transporting a firearm while the protective order is in effect. You must surrender your concealed weapons permit to the court that entered the protective order. A violation of this law is a Class I misdemeanor, which is punishable by up to one year in jail and a \$2,500 fine. Va. Code § 18.2-308.1:4.

In addition, federal law prohibits you from possessing any firearm or ammunition while you are subject to a qualifying protective order. Local offices of the Bureau of Alcohol, Tobacco and Firearms can be contacted to determine whether you can lawfully possess a firearm. A violation of this federal law is punishable by up to ten years in prison. 18 U.S.C. 922(g)(8).

What Happens if I Violate the Order?

A violation of any of the terms of a protective order is a Class I misdemeanor and is punishable by up to one year in jail and a \$2,500 fine. Va. Code § 16.1-253.2. A third or subsequent violation of a protective order is a felony. In addition, it is a felony to injure someone as a result of a protective order violation or to violate a protective order by sneaking into the home of a person protected by the protective order. If you violate the protective order, you also may be charged with other crimes, such as trespassing, breaking and entering, and stalking. Finally, if you are convicted of violating a protective order, the court will enter another protective order against you that can last up to two years. You will receive this penalty in addition to any other penalty that is allowed under the law.

For more information about federal firearms prohibitions, call 1-800-800-3855.

No one wins with domestic violence.

Office of the Attorney General
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WHAT YOU SHOULD KNOW ABOUT PROTECTIVE ORDERS

*A Guide to Ensure
Compliance with
the Law*



**OFFICE OF THE
ATTORNEY GENERAL**

Open Message

You have been given this brochure because a judge or magistrate has issued a protective order to protect the health and safety of the petitioner (the person who requested the order) and his or her family or household member(s) in matters involving family abuse or stalking. The purpose of this brochure is to provide you with information that will help you comply with the protective order. With strict compliance, you can avoid additional problems that may result in criminal penalties.

What is a Protective Order?

A protective order is a civil order issued by a judge or magistrate in accordance with Virginia law. It is a document that details what you must do and what you must not do while the order is in effect. Be sure to read the protective order carefully and abide by its terms.

How Can I Be Subject to a Protective Order When I Have not Been to Court?

There are two types of protective orders that may be issued under the law without the presence of the respondent (the person against whom the protective order is issued). They are called Emergency and Preliminary protective orders. These protective orders are temporary and are issued when it is necessary to protect the health and safety of others immediately after an incident or pending a full hearing. Final protective orders are issued only after full hearings where respondents are given the opportunity to present evidence in their favor.

Modifying the Order

Only a judge can dismiss or change the terms of a protective order. Do not ask or pressure the petitioner to ask the court to dismiss or change the protective order, and do not ask another person to pressure the petitioner for you. If you do, you will be in violation of the protective order. It is better that you ask the court to dismiss or change the protective order yourself.

Points to Remember:

If the protective order states that you must have NO CONTACT with the petitioner:

- Do not go near the petitioner and any children listed in the protective order, even if the petitioner asks you, unless an exception is listed in the protective order.
- Do not call, email, fax, or mail anything.
- Do not send messages through friends, family, co-workers, neighbors, or anyone else.
- Do not drive around the petitioner's residence, workplace, or "regular hang-out."
- Do not try to reconcile or "make up" while the protective order is in effect, even if the petitioner asks you.
- Do not accept or respond to any phone calls, email, faxes, or mail from the petitioner.

Remember:

YOU are the person responsible for complying with the protective order. Only you will be held responsible if any of its terms are violated.